



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** American Business International Ltd.

**File:** B-259037

**Date:** November 15, 1994

---

### DECISION

American Business International Ltd. protests the rejection of its bid under Department of the Air Force solicitation No. F49624-94-B-0018.

We dismiss the protest. American's bid was rejected after the agency found American non-responsible and after the Small Business Administration (SBA) declined to issue a certificate of competency (COC). The agency had referred the question of American's responsibility to the SBA. Our Office generally does not consider challenges to the SBA's failure to issue a COC.

The Small Business Act, 15 U.S.C. § 637(b)(7) (1988), gives the SBA, not our Office, the conclusive authority to review a contracting officer's determination that a small business is not responsible. Our Office limits review of the denial of a COC to instances in which the protester's submission indicates that SBA action on a referral may have been taken fraudulently or in bad faith or that the SBA failed to consider vital information bearing on the protester's responsibility. Spheres Co., B-225755, June 5, 1987, 87-1 CPD ¶ 573. Such circumstances are not present here.

The protest is dismissed.

*Michael R. Golden*

Michael R. Golden  
Assistant General Counsel